

### **REMARKS**

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended to correct an informality noted by the Office. Claim 14 has been amended to correct a similar informality. Claim 9 has also been amended delete, without prejudice, the "optional" element. The optional element of claim 9 is now presented in new claim 17.

With respect to the Section 112 rejection, it is not understood what the Office means when it says that the dependent claims are limiting treatments that are not found in the independent claim. Each of the dependent claims pointed to by the Office does in fact limit a step which is found in the independent claim. For instance, claim 2 further limits the calcium salt cited in claim 1(i)(a). Claim 3 further limits the solution of calcium salt recited in claim 1(i)(a). Claim 4 further limits the process of claim 3 and so forth. Therefore each of the dependent claims pointed to performs the normal dependent claim function of further limiting the independent claim. Thus it does not seem possible that the dependent claims are limiting treatments that are not found in the independent claim and it is respectfully requested that the rejection be withdrawn.

The present invention is directed to a process for producing frozen vegetables and to frozen vegetables produced by such process. The goal of the invention is a significant improvement in the cooked texture of the vegetables compared to vegetables subjected to commercial freezing methods. As recited in claim 1, the process of the invention comprises subjecting a vegetable or part thereof to a firming step selected from the recited Groups a, b and c, under-cooling the vegetable or part thereof to a core

temperature of less than or equal to  $-5^{\circ}\text{C}$ , and reducing the temperature to less than or equal to  $-18^{\circ}\text{C}$ .

The Office cites under Section 102 Bourne '712, Frane et al. and Bengtsson et al. The references are cited as teaching vegetables which have been cooled to low temperatures (e.g.  $-18^{\circ}\text{C}$ ). However, the Office points to no teaching in the cited references of Applicants' under-cooling step and merely assumes that since the temperature of the vegetables is below the temperature recited in the under-cooling step that the step must be satisfied.

There is substantial discussion in the present specification of under-cooling. This can be found at, for example, page 8, line 26 through page 11, line 18. As pointed out on page 9, under-cooling the core of the vegetable or part thereof to the maximum temperature of less than or equal to  $-5^{\circ}\text{C}$  ensures that enough heat has been removed from the material to allow rapid and uniform ice formation in the freezing step and thereby provide a significant reduction in extra cellular ice formation.

The Office points to no teaching in the cited references of under-cooling to the recited temperatures. Accordingly a Section 102 rejection would appear to be inappropriate since the Office has not found each and every element of the claims in the references. Therefore, it is respectfully requested that the rejection be withdrawn and that the application, as amended, be allowed.

Respectfully submitted,



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